

National Renewable Energy Laboratory
Request for Proposals Number RCX-3-33446

“Federal Energy Management Program (FEMP) Project Support”

REQUEST FOR PROPOSALS

READ THIS DOCUMENT CAREFULLY

This solicitation is being conducted under the streamlined procedures for competitive subcontracts established by the National Renewable Energy Laboratory (NREL).

NREL will award a subcontract based on the following.

- All Statement of Work (SOW) requirements being met
- The best combination of technical factors and evaluated price.

Issue Date: 07/07/03

Due Date: 07/28/03

Time Due: 4:00 p.m. Mountain Time

Technical Questions must be received in writing no later than 07/14/03.

- 1. Solicitation Type** Best Value Selection
Fixed Price

Submit offers to and request information from the NREL RFP Contact below

- 2. NREL RFP Contact** Laura K. Hughes, Subcontract Administrator
National Renewable Energy Laboratory
1617 Cole Boulevard, M/S 2713
Golden, CO 80401-3393
Phone: (303) 384-7347
Fax: (303) 384-7310
Email: laura_hughes@nrel.gov

This solicitation does not allow the submittal of facsimile or electronic proposals.

3. Requirement description

As specified in the Statement of Work (Appendix A), dated 04/16/03.

4. Task Order Funding, Development and Period of Performance

It is the intent of NREL to award at least one firm fixed price Task Ordering Agreement (TOA) under each of the six technology areas listed in the Statement of Work for this solicitation. When responding to this RFP, offerors must submit a separate proposal for each technical area in which you wish to be considered for an award. NREL reserves the right to make multiple awards under one or more technology area, or not to make any awards under this solicitation. NREL does not guarantee a minimum placement of Task Orders under a Task Ordering Agreement.

Each TOA will have a Statement of Work that generally describes the work effort to be performed. Each task order under a TOA will have a Statement of Work that specifically describes the work effort to be performed under that task order. The individual task orders awarded under the task ordering agreement will be based upon the program goals and objectives.

The performance period for each Task Ordering Agreement is one Basic period and two Option Periods for a total of three (3) years, subject to available funding on an annual basis. The total anticipated ceiling amount for each Task Ordering Agreement is approximately \$300,000 total for each technical area and the entire period of performance of each TOA.

5. Competitive negotiated subcontract using Best Value Selection

This solicitation shall be conducted using Best Value Selection that results in an award that is most advantageous to NREL based on the best value combination of (a) evaluated qualitative merit and (b) evaluated price of the offers submitted.

Best Value Selection is based on the premise that, if all offers are of approximately equal qualitative merit, award will be made to the offeror with the lowest evaluated price. However, NREL will consider awarding to an offeror with a higher evaluated price if the offer demonstrates the difference in price is commensurate with the higher qualitative merit. Conversely, NREL will consider awarding to an offeror with a lower evaluated qualitative merit if the price differential between it and other offers warrant doing so.

6. Qualitative merit criteria for Best Value Selection

The Statement of Work (Appendix A) in this RFP serves as NREL's baseline requirement that must be met by each offeror.

The qualitative merit criteria establish what NREL considers the factors valuable in an offer. These qualitative merit criteria are performance-based and permit selection of the offer that provides higher qualitative merit for a reasonable, marginal increase in price. Each qualitative merit below is approximately equal in weight.

1. Technical Approach: The proposals for each of the six technical areas will be evaluated in terms of their approach to providing assistance to Federal agencies and approach to carry out the sample task. Some of the important elements that will be considered when evaluating the proposals include:

- a) the approach to gathering site information and determining the feasibility of a project;
- b) the approach to analysis and performance modeling (using appropriate tools, including computer simulation);
- c) the approach to encourage an agency to adopt an implementation strategy that strategically promotes greater use and awareness of energy efficiency, renewable energy, or general sustainability throughout the agency.

2. Capability: The successful offeror must document

- a) knowledge of state-of-the-art advancements in the technical area including the process by which successful projects are identified, designed, and implemented.
- b) knowledge of Federal financing and contracting methods, as well as environmental permitting, codes and standards, and other issues affecting implementation.
- c) ability to identify, design, size, estimate cost, install, troubleshoot and monitor the performance of systems.
- d) familiarity to model the performance of systems.

3. Experience. The successful offeror must

- a) document experience in the proposed technology area. Experience includes assessing the opportunity for energy projects, designing systems, modeling the performance of systems, installing, troubleshooting and monitoring performance, and dealing with other issues that may affect implementation such as permitting, codes, standards and utility agreements.
- b) provide resumes of key individuals that demonstrate experience in the areas required to conduct the work in the technology area.

4. Price Evaluation for Best Value Selection

After evaluation of the qualitative merit criteria, the following price evaluation will be used to determine the best value of the proposal in meeting the objectives of the solicitation. Note that the combined qualitative merit value will be considered substantially more important than the price.

- Reasonableness of the total price and the individual cost elements that comprise the total sample task proposal
- Reasonableness of the price proposed in relation to the magnitude of work to be performed for the sample task and entire Statement of Work
- Reasonableness of fully loaded labor rates for all potential options

7. Evaluation process

NREL will evaluate offers in two general steps:

Step One—Initial Evaluation

An initial evaluation will be performed to determine if all required information has been provided for an acceptable offer. Offerors may be contacted only for clarification purposes during the initial evaluation. Offerors shall be notified if their offer is determined unacceptable and the reasons for rejection will be provided.

Step Two—Discussion, Selection, Negotiation, and Award

All acceptable offers will be evaluated against the requirements of the Statement of Work (Appendix A) and the qualitative merit criteria listed above. Based on this evaluation, NREL has the option, depending on the specific circumstances of the offers received, to use one of the following methods of selection:

- (a) make an individual selection, conduct negotiations, and make an award;
- (b) conduct parallel negotiations with all offerors and make award(s);
- (c) conduct discussions with all offerors, select successful finalists, conduct parallel negotiations with successful finalists, and then make award(s);
- (d) select successful finalists, conduct successive negotiations, and make successive selections and awards;
- (e) make no award(s).

8. Required information

Your proposal will determine your capability to participate in this procurement. The proposal should be specific and complete. The proposal should be prepared simply and economically, providing straightforward, concise delineation of capabilities necessary to satisfactorily perform the Statement of Work and proposed sample task. NREL will evaluate each of the technical areas independently. Offeror's shall submit separate proposals for each of the areas they wish to propose.

- a. An original completed “**Representations and Certifications**” form submitted with your offer.
- b. A technical proposal in an original and three (3) copies directed toward meeting the requirements of the Statement of Work (Appendix A), which includes a section addressing the sample task, and the qualitative merit criteria (see item 6 above). The offeror's entire technical proposal shall not exceed 25 pages (attachments and resumes not included in page count).
- c. Submit a completed “**Labor Rate Proposal**” form in an original and three (3) copies submitted with the offer for the work described in the Task Ordering Agreement Statement of Work. The Labor Rate Proposal Form posted with this solicitation is set up for a base year and two options periods. At a minimum, offerors should use the labor categories as listed to enable NREL to establish price reasonableness, but may add categories if necessary.

- d. A completed “**Price/Cost Proposal**” form in an original and three (3) copies submitted for the chosen sample task. The base labor rates used for the sample task order work effort should be the same rate proposed for the base period on the Labor Rate Proposal Form for the Task Ordering Agreement. The offeror’s price/cost and delivery terms must be valid for 90 days from the date of the offer. Read the instructions included with the form to ensure all required information is provided to NREL.
- e. EITHER the “**Organizational Conflicts of Interest Representation Statement**” OR the “**Organizational Conflicts of Interest Disclosure Statement**”, as applicable.
- f. A cover letter including a summary statement indicating acceptance of the proposed sample task Statement of Work or any change with reason.
- g. The cover letter shall also including a summary of deviations/exceptions (if any) to the Task Ordering Agreement subcontract schedule and the standard terms and conditions and/or the intellectual property terms and conditions in the appendices. The offeror shall explain any exceptions (including deviations and conditional assumptions) taken with respect to the subcontract schedule and terms and conditions. Any exceptions must contain sufficient amplification and justification to permit evaluation. Such exceptions will not, of themselves, automatically cause an offer to be termed unacceptable. A large number of exceptions or one or more significant exceptions not providing any obvious benefit to the Department of Energy or NREL may, however, result in rejection of such offer as unacceptable.
- h. This solicitation does not commit NREL to pay costs incurred in the preparation and submission of a proposal in response to this RFP.

The proposal must include a title page, including the RFP title and number, a clear indication of which technical area the proposal is in response to, name of your organization and principal investigator (with postal address, telephone and fax numbers, and email address). The title should be succinct and capture the essence of your offer.

Formatting instructions:

- A page is defined as one side of an 8 ½” x 11” sheet of paper.
- Use a 12-point font.
- Maintain at least 1-inch margins on all sides.
- Copies may be either single or double sided.

9. Solicitation Provisions—full text provided

a. Late submissions, modifications, and withdrawals of offers

Offers, or modifications to them, received from qualified organizations after the latest date specified for receipt may be considered if received prior to award, and NREL determines that there is a potential price (cost), technical, or other advantage, as compared to the other offers received. However, depending on the circumstances surrounding the late submission or modification, NREL may consider a late offer to be an indication of the offeror’s performance capabilities, resulting in downgrading of

the offer by NREL evaluators in the technical evaluation process. Offers may be withdrawn by written notice or telegram (including mailgram) received at any time before award. Offers may be withdrawn in person by an offeror or an authorized representative, if the representative's identity is made known and the representative signs a receipt for the offer before award.

b. Restrictions on disclosure and use of data

Offerors who include in their proposals data that they do not want disclosed to the public for any purpose or used by the government or NREL, except for evaluation purposes shall—

1. Mark the title page with the following legend:
“This offer includes data that shall not be disclosed outside the government or NREL and shall not be used or disclosed—in whole or in part—for any purpose other than to evaluate this offer. If, however, a subcontract is awarded to this offeror as a result of—or in connection with—the submission of this data, the government or NREL shall have the right to duplicate, use, or disclose the data to the extent provided in the resulting subcontract. This restriction does not limit the government or NREL’s right to use information contained in this data if obtained from another source without restriction. The data subject to this restriction are contained on pages [insert page and line numbers or other identification of pages] of this offer”; and
2. Mark each page of data it wishes to restrict with the following legend:
“Use or disclosure of data contained on this page is subject to the restriction on the title page of this offer.”

c. Notice of right to receive patent waiver (derived from DEAR 952.227-84) and technical data requirements.

Offerors (and their prospective lower-tier subcontractors) in accordance with applicable statutes and Department of Energy Acquisition Regulations, (derived from DEAR 952.227-84) have the right to request a waiver of all or any part of the rights of the United States in inventions conceived or first actually reduced to practice in performance of the subcontract that may be awarded as a result of this solicitation, in advance of or within thirty (30) days after the effective date of subcontracting. Even where such advance waiver is not requested or the request is denied, the subcontractor will have a continuing right during the subcontract to request a waiver of the rights of the United States in identified, individual inventions.

Domestic small business firms, educational institutions, and domestic nonprofit organizations normally will receive the Patent rights clause—retention by the subcontractor—which permits the offeror to retain title to subject inventions, except in subcontracts involving exceptional circumstances or intelligence activities. Therefore, domestic small business firms, educational institutions, and domestic nonprofit organizations normally need not request a waiver.

If an offeror's proposal includes a lower-tier subcontract to another organization, that lower-tier organization's business type will determine the applicable intellectual property provisions that will apply to the lower-tier subcontract. Note that a lower-tier subcontractor may apply for a patent waiver under the same conditions as the offeror.

Under a research, development, and demonstration project, the Department of Energy and NREL are unable to ascertain, prior to receipt of offers or performance of the project, their actual needs for technical data. It is believed that the requirements contained herein are the basic needs of the Department of Energy and NREL. However, if the offeror indicates in its proposal that proprietary data will be used or withheld under its proposed effort, the Department of Energy and NREL reserve the right to negotiate appropriate rights to the proprietary data. The appropriate rights may include "Limited Rights in Proprietary Data" and/or "Subcontractor Licensing."

d. Disclaimer

NEITHER THE UNITED STATES; NOR THE DEPARTMENT OF ENERGY; NOR MIDWEST RESEARCH INSTITUTE, NATIONAL RENEWABLE ENERGY LABORATORY DIVISION; NOR ANY OF THEIR CONTRACTORS, SUBCONTRACTORS, OR THEIR EMPLOYEES MAKE ANY WARRANTY, EXPRESS OR IMPLIED, OR ASSUME ANY LEGAL LIABILITY OR RESPONSIBILITY FOR THE ACCURACY, COMPLETENESS, OR USEFULNESS FOR ANY PURPOSE OF ANY OF THE TECHNICAL INFORMATION OR DATA ATTACHED OR OTHERWISE PROVIDED HEREIN AS REFERENCE MATERIAL.

e. Solicitation disputes

The General Accounting Office and the Department of Energy do not accept or rule on disputes for solicitations for Requests for Proposals issued by Management and Operating Contractors for the Department of Energy (operators of Department of Energy National Laboratories). Should an offeror have any concerns regarding the NREL solicitation process or selection determination, the offeror may contact Marty Noland, Advocate for Commercial Practices, at (303) 384-7550. NREL will address each concern received from an offeror on an individual basis.

10. Solicitation provisions—incorporated by reference—general access

This solicitation incorporates one or more solicitation provisions by reference with the same force and effect as if they were given in full text. The following documents can be downloaded from NREL's **general access** website at http://www.nrel.gov/contracts/related_docs.html, or the NREL RFP Contact (see item 2) will make full text available upon request.

- NREL Standard Terms and Conditions:
 - Appendix B-3, dated 07/24/00

- NREL Intellectual Property Provisions:
 - Appendix C-3, dated 10/22/98
- NREL Representations and Certifications for Subcontracts
- NREL Price/Cost Proposal Form and Instructions
- NREL Organizational Conflicts of Interest Disclosure

11. NAICS Code and Small Business Size Standard

- a. The North American Industry Classification System (NAICS) code [formerly standard industrial classification (SIC)] for this solicitation is 541690 .The small business size standard for 541690 is \$6.0M.